

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-M-3-2016

Date of Decision: 1.10.2019

Manpreet Kaur

...Appellant

Versus

Sandeep Singh

...Respondent

**CORAM:- HON'BLE MR. JUSTICE RAJAN GUPTA.
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.**

PRESENT: Mr. Anil Chawla, Advocate for the appellant.

Mr. Kunal Vinayak, Advocate for the respondent.

RAJAN GUPTA, J. (Oral)

Present appeal is directed against the judgment and decree dated 21.9.2015 passed by Additional District Judge, Amritsar, vide which petition under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') filed by appellant-husband, was allowed.

Marriage between the parties was solemnized on 19.10.2008, as per Sikh rites and ceremonies, at Amritsar. After marriage, the parties resided together and cohabited as such as husband and wife. However, differences developed between the couple. As a result thereof, husband-Sandeep Singh preferred a divorce petition under Section 13 of the Act for dissolution of marriage by way of decree of divorce before the court below at Amritsar. Same was allowed vide judgment dated 21.9.2015. Being aggrieved, the wife filed the instant appeal before this court.

During the pendency of appeal, the matter was referred to

Mediation and Conciliation Centre, where a settlement was arrived at between the parties, which was reduced into writing on 12.9.2019 and is on record. Learned counsel for the parties had moved an application for conversion of appeal into a petition under Section 13-B of the Act seeking divorce by mutual consent. This prayer was accepted vide order dated 18.9.2019. Their statements at the first motion had been recorded on 18.9.2019. Today, their statements, at the second motion have been recorded separately. Since six months' statutory period has not elapsed between first motion and second motion, we hereby waive off said period as per law laid down by Supreme Court in **Amardeep Singh v. Harveen Kaur (2017) 8 SCC 746**.

In view of the fact that the parties are living separately for a considerable period and have decided to part ways on the agreed terms and conditions as laid down in settlement dated 12.9.2019, petition under Section 13-B of the Act is hereby allowed. Marriage between the parties is dissolved by way of a decree of divorce by mutual consent. Decree sheet be prepared accordingly.

(RAJAN GUPTA)
JUDGE

October 1, 2019
gbs

(MANJARI NEHRU KAUL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No